

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MIKKO T. SEKIYA,

Plaintiff,

v.

No. 17cv531 MCA/LF

FBI, FACEBOOK, JAMES COMEY, MARK ZUCKERBERG,  
FISA and NSA,

Defendants.

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

**THIS MATTER** comes before the Court on *pro se* Plaintiff's failure to timely file an amended complaint.

Plaintiff asserted invasion of privacy claims against Defendants Mark Zuckerberg and Facebook alleging they have not shut down Plaintiff's Facebook account which Plaintiff has not been able to access for over three years. *See* Complaint, Doc. 1, filed May 8, 2017. Plaintiff also alleged that Defendants James Comey, FISA and NSA have not stopped Zuckerberg and Facebook from showing videos on Plaintiff's Facebook account.

The Court dismissed the claims against Defendants Zuckerberg and Facebook in this case without prejudice because they are immune to Plaintiff's claims pursuant to the Communication Decency Act, 47 U.S.C. § 230, which creates a federal immunity to any cause of action that would make service providers liable for information originating with a third-party user of the service. *See* Doc. 6, filed July 17, 2017. The Court also dismissed the claims against the FBI, James Comey, FISA and NSA without prejudice for failure to state a claim. *See* Doc. 6. Having dismissed all the claims in the Complaint, the Court dismissed the Complaint without prejudice, granted Plaintiff leave to file an amended complaint, and notified Plaintiff that failure to timely file

an amended complaint may result in dismissal of this case without prejudice. *See* Doc. 6.

Plaintiff did not file an amended complaint by the August 8, 2017, deadline.

**IT IS ORDERED** that this case is **DISMISSED without prejudice.**



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**M. CHRISTINA ARMIJO**  
**CHIEF UNITED STATES DISTRICT JUDGE**